

1 GULF OF MEXICO FISHERY MANAGEMENT COUNCIL

2  
3 MACKEREL MANAGEMENT COMMITTEE

4  
5 Astor Crowne Plaza New Orleans, Louisiana

6  
7 August 17, 2016

8  
9 **VOTING MEMBERS**

- 10 Pamela Dana.....Florida
- 11 Leann Bosarge.....Mississippi
- 12 Doug Boyd.....Texas
- 13 Roy Crabtree.....NMFS, SERO, St. Petersburg, Florida
- 14 Myron Fischer (designee for Patrick Banks).....Louisiana
- 15 Martha Guyas (designee for Nick Wiley).....Florida
- 16 John Sanchez.....Florida
- 17 David Walker.....Alabama

18  
19 **NON-VOTING MEMBERS**

- 20 Kevin Anson (designee for Chris Blankenship).....Alabama
- 21 Leo Danaher.....USCG
- 22 Dale Diaz.....Mississippi
- 23 Dave Donaldson.....GSMFC
- 24 Tom Frazer.....Florida
- 25 John Greene.....Alabama
- 26 Kelly Lucas (designee for Jamie Miller).....Mississippi
- 27 Campo Matens.....Louisiana
- 28 Robin Riechers.....Texas
- 29 Greg Stunz.....Texas
- 30 Ed Swindell.....Louisiana

31  
32 **STAFF**

- 33 Steven Atran.....Senior Fishery Biologist
- 34 Assane Diagne.....Economist
- 35 Matt Freeman.....Economist
- 36 John Froeschke.....Fishery Biologist - Statistician
- 37 Douglas Gregory.....Executive Director
- 38 Beth Hager.....Administrative Officer
- 39 Karen Hoak.....Administrative & Financial Assistant
- 40 Morgan Kilgour.....Fishery Biologist
- 41 Ava Lasseter.....Anthropologist
- 42 Mara Levy.....NOAA General Counsel
- 43 Emily Muehlstein.....Fisheries Outreach Specialist
- 44 Ryan Rindone.....Fishery Biologist/SEDAR Liaison
- 45 Claire Roberts.....EFH Specialist
- 46 Bernadine Roy.....Office Manager
- 47 Camilla Shireman.....Administrative Assistant
- 48 Carrie Simmons.....Deputy Director

1  
2 **OTHER PARTICIPANTS**  
3 Billy Archer.....Panama City, FL  
4 Patrick Banks.....LA  
5 Chester Brewer.....SAFMC  
6 Shane Cantrell.....Galveston, TX  
7 Traci Floyd.....MS DMR  
8 Sue Gerhart.....NMFS  
9 Jesse Leslie.....NOAA  
10 Rich Malinowski.....NOAA  
11 Bart Niquet.....Lynn Haven, FL  
12 Bonnie Ponwith.....SEFSC  
13 Kellie Ralston.....ASA  
14 Rene Rice.....Grand Isle, LA  
15 Lance Robinson.....TX  
16 Michael Short.....Galveston, TX

17  
18 - - -  
19

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PAGE 12: Motion in Action 2 to accept the IPT-proposed changes to add Alternative 4 and remove Alternative 2. The motion carried on page 13.

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1 The Mackerel Management Committee of the Gulf of Mexico Fishery  
2 Management Council convened at the Astor Crowne Plaza, New  
3 Orleans, Louisiana, Wednesday morning, August 17, 2016, and was  
4 called to order by Chairman Pamela Dana.

5  
6 **ADOPTION OF AGENDA**  
7 **APPROVAL OF MINUTES**  
8 **ACTION GUIDE AND NEXT STEPS**  
9

10 **CHAIRMAN PAMELA DANA:** I would like to call the Mackerel  
11 Management Committee to order. I need a motion to approve  
12 adoption of the agenda, Tab C, Number 1.

13  
14 **MR. JOHN SANCHEZ:** So moved.

15  
16 **MS. MARTHA GUYAS:** Second.

17  
18 **CHAIRMAN DANA:** Is there any additions to the agenda? Seeing  
19 none, we are going to move forward with the agenda as proposed  
20 or as written. Has everyone had the opportunity to review the  
21 minutes? If so, can I get a motion to approve?

22  
23 **MR. SANCHEZ:** So moved.

24  
25 **CHAIRMAN DANA:** Leann Bosarge seconds. Is there any discussion  
26 on the minutes? Seeing none, all those in favor of approving  
27 say aye; opposed. The minutes go to record. Everyone has  
28 before them Tab C, Number 3, the Action Guide and Next Steps.  
29 That's what our meeting will entail. I would like to make this  
30 an efficient meeting, given that we are short thirty minutes of  
31 time.

32  
33 We are going to cover CMP Amendment 29, both to consider the  
34 staff version with the council-proposed changes from the June  
35 2016 meeting as well as consider the IPT version, which aims to  
36 more succinctly capture the council's intent with fewer  
37 alternatives and options. I am going to ask Ryan Rindone to  
38 walk us through the options paper for CMP 29, Allocation Sharing  
39 and Accountability Measures for Gulf King Mackerel.

40  
41 **OPTIONS PAPER: CMP AMENDMENT 29: ALLOCATION SHARING AND**  
42 **ACCOUNTABILITY MEASURES FOR GULF KING MACKEREL**  
43

44 **MR. RYAN RINDONE:** Thank you, Madam Chair. If the committee  
45 will entertain this idea, I would like to go through the IPT  
46 version first, because what it does is it takes the council  
47 version and pares it down, and like it's described in the action  
48 guide, what we tried to do was really capture what you guys have

1 been talking about, but with less stuff in the way of making the  
2 decision. That would be Tab C, Number 4(b), if you guys want to  
3 move to that one. Is that okay with everybody? All right.

4  
5 Just to review the purpose and need again, the purpose is to  
6 consider changes in the recreational and commercial allocations  
7 for Gulf group kingfish and a recreational accountability  
8 measure. The need is to achieve optimum yield while ensuring  
9 overfishing does not occur in the CMP fishery, thereby  
10 increasing social and economic benefits throughout the fishery  
11 through sustainable and valuable harvest of kingfish.

12  
13 If we move on to Action 1, which is on page 6, you will see that  
14 we have proposed to delete Alternative 2, and, in its place, put  
15 what we're calling IPT-Proposed Alternative X, which would  
16 conditionally transfer a certain percentage of the allocation to  
17 the commercial sector in the next fishing year if the minimum  
18 recreational landings threshold is not met.

19  
20 If the commercial sector doesn't land at least 90 percent of its  
21 ACL, no transfer happens. Then landings data from two years  
22 prior would be used to determine allocation transfers. This  
23 last part is key. What it means is that we're using validated  
24 QA'd and QC'd landings, as opposed to trying to forecast what  
25 the landings would be for the waves of data that we haven't  
26 received yet, which is what we talked about possibly doing last  
27 time, and you guys didn't seem to like the idea of using  
28 uncertain landings data, and so this is what we're coming back  
29 to you with, is we would be using data from two years prior.

30  
31 We have the same options that were in Alternative 2, to  
32 conditionally transfer either 5, 10, 15, or 20 percent from the  
33 stock allocation to the commercial allocation. Then, for the  
34 recreational ACL minimum threshold, you would have to choose one  
35 of these as well. You have options of less than 50 percent of  
36 its ACL, less than 65 percent, or less than 75 percent.

37  
38 What that means is that, for a conditional transfer to occur,  
39 the recreational sector would have to have landed less than 50  
40 percent, less than 65 percent, or less than 75 percent of its  
41 ACL. Does everybody understand that? Silence is compliance.  
42 Okay.

43  
44 We are recommending this replacement because it achieves the  
45 same goals as Alternative 2. One big difference is that the  
46 transfer in the proposed alternative largely relies on the  
47 recreational sector's landings rather than what the commercial  
48 sector is doing to determine whether that transfer happens. The

1 other difference is, of course, using the certain data from two  
2 years' prior as opposed to estimating MRIP waves.

3  
4 Now, since we have proposed what we have with Alternative X, we  
5 have proposed eliminating Alternative 3, since Alternative X is  
6 kind of a marriage of Alternatives 2 and 3. We left Alternative  
7 4 in there, which states that if the stock ACL isn't harvested  
8 in a fishing year that the SSC would be convened to consider  
9 increasing the ABC for the following fishing year only.

10  
11 If they do, then the amount of that increase would be added to  
12 the ACL of the sector which harvested its ACL, within 10  
13 percent, in the previous fishing year. Then consideration of an  
14 ABC adjustment by the SSC would only be requested if a minimum  
15 percentage of the stock ACL wasn't harvested, and so either 15,  
16 20, or 25 percent are the options that we've presented to you  
17 guys. If you didn't choose one of those options, then the SSC  
18 would consider raising the ABC whenever the stock ACL wasn't  
19 harvested, regardless of how much is left.

20  
21 We have also proposed eliminating the sunset provision, since  
22 there are provisions in both the proposed Alternative X and  
23 Alternative 4 that allow for protections, in the event that the  
24 recreational sector is landing more fish, and so the sunset  
25 provision seemed as if it might be double-jeopardy. For Action  
26 1 anyway, this is what we're proposing to you guys, and so,  
27 Madam Chair, if you guys want to discuss.

28  
29 **CHAIRMAN DANA:** Thank you, Ryan. Are there any committee  
30 questions? It was somewhat complex, but the IPT is assisting  
31 us, or trying to assist us, in clarifying the language. Are  
32 there any questions from the committee? Leann.

33  
34 **MS. LEANN BOSARGE:** Not a question so much, but I think I like  
35 the IPT suggestions a lot. I think it kind of streamlines the  
36 document. You may have said it, and I was trying to keep up  
37 with you, but what's the major difference in IPT Proposed  
38 Alternative X and the old Alternative 2? Could you recap that?  
39 I think I like Alternative X better, but can you just recap it  
40 for me?

41  
42 **MR. RINDONE:** The main difference is that whether the  
43 conditional transfer occurs isn't relying on what the commercial  
44 sector is doing. It's relying on what the recreational sector  
45 is leaving in the water, and it makes that more clear, by  
46 establishing a minimum recreational landings threshold, as  
47 opposed to some maximum level on the other end of the spectrum.

48

1 Then it's also using two-year-old data, as opposed to having to  
2 estimate from the MRIP waves that we haven't received yet,  
3 because remember the commercial season for the western and  
4 southern hand line starts on July 1, and so it's in the middle  
5 of the year. It prevents us from having to estimate MRIP waves  
6 that we haven't received yet, and so we're using QA'd and QC'd  
7 certain landings data, as opposed to very well educated  
8 guessing.

9  
10 Alternative 2 would terminate if the recreational landings  
11 reached a certain point. Alternative 3 did not terminate. That  
12 conditional transfer just wouldn't occur for that year if the  
13 recreational landings were higher, and so the proposed  
14 alternative also does not terminate, but, again, it takes the  
15 requirement for the landings away from the commercial side and  
16 puts it on the recreational side. If the recreational sector is  
17 landing whatever threshold you guys determine, then that  
18 transfer would not occur.

19  
20 **CHAIRMAN DANA:** Do we have additional questions from the  
21 committee? Martha.

22  
23 **MS. GUYAS:** Just another comment. I appreciate what you guys  
24 did with this alternative and putting these together. It makes  
25 a lot more sense to me. I think I was one of the people in the  
26 confused camp before, and so I think I would support adding the  
27 IPT suggestions to this action, and I can make that in a motion  
28 if you would like.

29  
30 **CHAIRMAN DANA:** Yes. Where we're at now is we either go back to  
31 the original council amendment and act on those alternatives or  
32 we have a motion to accept the IPT-proposed alternatives, and so  
33 I will accept a motion.

34  
35 **MS. GUYAS:** I move that in Action 1 that we accept the IPT  
36 suggestions.

37  
38 **CHAIRMAN DANA:** We have a motion in Action 1 to accept the IPT-  
39 proposed Alternative X. Do I have a second? Mara.

40  
41 **MS. MARA LEVY:** I'm not sure that's what Martha meant. I think  
42 she wanted to accept all of the IPT suggestions for that action,  
43 which would remove 2 and 3 and add this in and keep 4.

44  
45 **MS. GUYAS:** Bingo.

46  
47 **CHAIRMAN DANA:** Thank you, Mara. Martha, can you be more  
48 specific in which actions and alternatives you are referring to?



1 Ryan, can you help us?

2  
3 **MR. RINDONE:** May I suggest, in Action 1, to accept the IPT-  
4 proposed changes to remove Alternatives 2, 3, and 5 and add  
5 Alternative X? Is that suitable? Okay.

6  
7 **CHAIRMAN DANA:** The maker of the motion approves of those  
8 friendly changes, and we have a second from John Sanchez. Is  
9 there any discussion on the motion? **Seeing none, is there any**  
10 **opposition to the motion? The motion passes.** Okay, Ryan.

11  
12 **MR. RINDONE:** Thank you, Madam Chair. We will make those  
13 changes for you and get working on that part. Now, in Action 2,  
14 which is on page 13, this would adjust the recreational  
15 accountability measure for Gulf group kingfish and, right now,  
16 the current in-season AM states that if the recreational  
17 landings reach or are projected to reach the recreational ACL  
18 that the bag limit would be reduced to zero for the remainder of  
19 that fishing year.

20  
21 For Alternative 2, the IPT is recommending that you guys move  
22 this to considered but rejected. It's not one that you guys  
23 seem to be a fan of. Since we just increased the bag limit to  
24 three fish per person in Amendment 26, having an AM to reduce it  
25 back to two wasn't something you all were a fan of.

26  
27 In Alternative 3, the option is to replace the current in-season  
28 AM with a post-season one, whereby if the recreational ACL is  
29 exceeding in any fishing year, then the length of the following  
30 season would be reduced by the amount necessary to ensure the  
31 landings don't exceed the ACL. Again, the thing to remember  
32 here with this is that, if the recreational landings start  
33 creeping up, you're establishing some sort of threshold in  
34 Action 1, which prevents a conditional transfer from occurring,  
35 and then the recreational sector keeps all of that quota that  
36 they already have.

37  
38 The IPT is actually proposing a new alternative here, which is  
39 Alternative 4, which would replace the current in-season AM with  
40 a post-season one, and it would require both the recreational  
41 ACL and the stock ACL to be exceeded before the length of the  
42 following recreational season would be reduced to prevent a  
43 recreational ACL overage, and that would be in the following  
44 year.

45  
46 The difference between Alternatives 1 and 4 is that Alternative  
47 1 affects the current fishing year if the ACL is met or  
48 projected to be met. Alternative 4 requires both the

1 recreational ACL and the stock ACL to be met. Then, in the  
2 following fishing year, the season would be abbreviated, to make  
3 sure that the ACL is not exceeded. By waiting until the  
4 following fishing year, that gives time for that conditional  
5 transfer to not occur. Then the recreational sector, again,  
6 gets those pounds back. Are there questions on this? I know  
7 there have been in the past.

8  
9 **CHAIRMAN DANA:** Leann.

10  
11 **MS. BOSARGE:** I think this addresses the concerns that I had at  
12 the last meeting with the way those accountability measures  
13 really seemed to -- I didn't like the way that was going to be  
14 handled for the recreational sector. It seemed to be too  
15 punitive, the way it was designed to happen.

16  
17 Now, obviously we have to protect the stock, and I think this  
18 does this, now that we have made the change in the last action  
19 item, where we're going to have final landings, and then we've  
20 made a change here, so that if the recreational sector  
21 essentially shares some quota with the commercial sector, the  
22 whole idea is to not have the overall stock ACL exceeded, and so  
23 it's not right to judge them on their individual ACL when they  
24 just shared some with a different sector and then say, oh, they  
25 went over, and so I think the rewording there is ideal and it  
26 still protects the stock.

27  
28 I also like the idea that essentially, if something happens and  
29 the stock ACL is exceeded, we'll be at a point where the ACL for  
30 the recreational sector obviously was also going to be exceeded,  
31 if the stock ACL is exceeded, but we're in a situation where  
32 that sharing won't happen anymore, and so they will end up with  
33 100 percent of their normal ACL for that year, which should, in  
34 reality, stop there from being any kind of accountability  
35 measure for them, the way that it's set up now with the backward  
36 looking and the overall stock ACL, the way you have it  
37 structured. I think it gives the recreational sector a lot more  
38 protection this way.

39  
40 **CHAIRMAN DANA:** Martha.

41  
42 **MS. GUYAS:** Just a question. Since the recreational fishing  
43 year is different from commercial, and we're looking at a  
44 recreational ACL here, which fishing year is this based on?

45  
46 **MR. RINDONE:** It would be based on the landings that have come  
47 in from the current fishing year. Even though the amount of the  
48 transfer would be based on two years prior, if the recreational

1 sector, in the current fishing year, gets within a certain  
2 threshold, then it's preventing that transfer from occurring.  
3 In the following fishing year, like Ms. Bosarge said, they would  
4 keep the fish that they otherwise would have transferred to the  
5 commercial sector. That transfer wouldn't happen. If you guys  
6 are curious about the recent recreational landings, Sue can fill  
7 in on that, if you would like to entertain that.

8

9 **CHAIRMAN DANA:** Okay. Sue.

10

11 **MS. SUE GERHART:** Could we bring up Tab A-8, please? This is  
12 the same tab that had the reef fish landings. It's just the  
13 page 3 starts the CMP landings. For the sake of time, there is  
14 commercial landings there. We've got two sets. The first set  
15 is the current year, which we only have two zones that are open  
16 right now, and they just opened on July 1, and so there's not a  
17 lot of landings on those, although you do see that we're at 50  
18 percent for the western zone at this point.

19

20 The second set is for last year, just the final numbers for the  
21 last season. It's probably not completely final yet, but those  
22 are close to final numbers.

23

24 On the next page, we have the recreational landings, and it says  
25 Wave 2 may be available. We did fill in Wave 2 and the  
26 incomplete Wave 3, which, again, is just the LA Creel and  
27 headboat survey numbers, and you will see that we're only at 26  
28 percent. Remember that when we're looking at the season, and I  
29 think this gets a bit to Martha's question, is that although  
30 technically the recreational season is on the calendar year, for  
31 purposes of monitoring the stock ACL, it's on the same fishing  
32 year as the commercial, and so it's July through June. This  
33 Wave 3 is the last wave of that fishing year, and so this is  
34 almost complete, and they are only at 26 percent. Then right  
35 below that is cobia and Spanish, if you're interested in where  
36 those are at as well.

37

38 **CHAIRMAN DANA:** Thank you, Sue. Are there any additional  
39 questions? Leann.

40

41 **MS. BOSARGE:** Do we need a motion in order to accept the IPT-  
42 proposed Alternative 4 into the document?

43

44 **CHAIRMAN DANA:** We will need a motion, but before I accept that  
45 motion, I want to make sure that our recreational  
46 representatives, Mr. Boyd, Mr. Banks, and Mr. Fischer, you're  
47 comfortable with these IPT changes? Mr. Boyd.

48

1 **MR. DOUG BOYD:** Yes, I'm okay with their changes, but I have a  
2 bigger issue. For the last eight years, six of those eight  
3 years, the commercial sector has been over their allocation,  
4 over 100 percent, and the recreational, in the last year, used  
5 62 percent. They're up to 4.5 -- I am looking at Table 2.1.1.

6  
7 On that table, it shows that the recreational sector increased  
8 their catch from 2.9 million to 4.5 million, a significant  
9 increase in one year. We just recently changed the bag limit to  
10 try to give the recreational sportsmen more access to the  
11 fishery. We don't know yet if that's going to make a change.  
12 We could see, and I don't know that we will, but we could see  
13 another increase in this 4.5 million.

14  
15 While I understand we keep using the terminology of share this  
16 resource, this is a reallocation process. It's simply a  
17 reallocation, and I don't know that we've gone through all of  
18 the processes for a reallocation. If we're talking about  
19 sharing, that's one thing, but that's not what this is, and so I  
20 have a bigger problem with this amendment than just looking at  
21 these alternatives. Thank you.

22  
23 **CHAIRMAN DANA:** Thank you, Doug. If there are no other  
24 committee comments, then I will accept a motion either to accept  
25 the IPT-proposed or to stay status quo with the council  
26 alternatives. Leann.

27  
28 **MS. BOSARGE:** I would like to make a motion in Action 2 to  
29 accept the IPT-proposed changes. For the sake of the  
30 recreational members, we're not picking a preferred here, and I  
31 think what the IPT did gives more protection to the recreational  
32 angler.

33  
34 If we choose, as a council, to go down this path and implement  
35 this system, that alternative right there gives the most  
36 protection to the recreational sector, and so I definitely do  
37 want that in the document for consideration. If we did go down  
38 this path, I want to make sure that the recreational sector has  
39 these protections and this system in place for them.

40  
41 **CHAIRMAN DANA:** Ryan.

42  
43 **MR. RINDONE:** Thank you, Madam Chair. Just to clarify Ms.  
44 Bosarge's motion, it was to accept the IPT's proposed changes,  
45 which would be to add Alternative 4 and remove Alternative 2.

46  
47 **CHAIRMAN DANA:** Was that your motion, Ms. Bosarge?  
48

1 **MS. BOSARGE:** Yes, because Alternative 2 was the one that did  
2 not give the most flexibility and protection to the recreational  
3 sector that Alternative 4 does, and so, yes.

4  
5 **CHAIRMAN DANA:** We've got a motion in Action 2 to accept the  
6 IPT-proposed Alternative 4 and remove Alternative 2. Do I have  
7 a second? John Sanchez seconds. Is there any discussion on the  
8 motion? John Sanchez.

9  
10 **MR. SANCHEZ:** I'm glad to see it, and I agree this affords more  
11 protection in this process of sharing allocation. It seems like  
12 there is a million pounds under the strangely high year before,  
13 and so I think, again, we're back in the spirit of maximizing  
14 benefits to the nation and this resource that is, by all means,  
15 healthy, and so I am pleased to see this.

16  
17 **CHAIRMAN DANA:** Any further comments or discussion on the  
18 motion? Mr. Boyd.

19  
20 **MR. BOYD:** Again, it's a bigger issue for me, because I don't  
21 know why we have to put in protections for a sector that is  
22 staying under their quota and we don't do something to bring the  
23 commercial quota in line, so that they stay within their ACL.  
24 We have talked considerably, over a year's period of time, about  
25 how to constrain the recreational fishermen in the red snapper  
26 industry, but we have had no discussion about how to constrain  
27 the commercial fishermen to stay within their quota, and so my  
28 feeling would be that the first thing we need to, before we  
29 protect, quote, unquote, the recreational fishermen, is to ask  
30 the commercial fishermen to stay within their quota. Thank you.

31  
32 **CHAIRMAN DANA:** Thank you, Mr. Boyd. Are there further  
33 committee comments on the motion? **Is there any opposition to**  
34 **the motion? The motion passes.** Ryan, can you walk us through  
35 preparation of the public hearing draft and that process?

36  
37 **MR. RINDONE:** Yes, ma'am. What we will do at this point, since  
38 this is the version that you guys are now working on, we will  
39 use the IPT version to create the public hearing draft, which we  
40 will try to bring to you at the next meeting.

41  
42 To kind of head it off at the pass, if you guys wanted to  
43 recommend public hearing locations, knowing that we haven't  
44 approved a public hearing draft yet, but just get those on the  
45 books, as far as which places you would like to do, we could do  
46 that.

47  
48 **CHAIRMAN DANA:** It might be more appropriate that that happen at

1 full council, once our proposed motions are approved. Then, on  
2 a final note, I have here that scoping on the general theme of  
3 this particular amendment was done under Coastal Migratory  
4 Pelagics, CMP, Amendment 26. The Gulf CMP AP will be convened  
5 later in the year, I'm told, to review this and other CMP  
6 issues. Do we have any idea of when that AP is being considered  
7 for meeting or has that just not been --

8  
9 **MR. RINDONE:** I need to poll them, but I'm thinking probably  
10 sometime in October or November. If it's approved for public  
11 hearing in October, we would have to look at the calendar, but  
12 try and get those public hearings done before the end of the  
13 year. It just depends on what the workload is, of course.

14  
15 **CHAIRMAN DANA:** Thank you, Ryan. We do not have any other  
16 business. I do want to thank staff and the IPT for their hard  
17 work in clarifying some of these alternatives for us and also I  
18 thank the committee for being efficient with time, given that we  
19 were short on it. If there are no other items, I am going to  
20 adjourn the Mackerel Management Committee.

21  
22 (Whereupon, the meeting adjourned on August 17, 2016.)